

REMARKS

With the entry of the foregoing amendments, claims 15, 17-19, 21-24 and 28-31 are pending in this application. Favorable consideration is requested.

Claim 15 has been amended to insert the subject matter from claim 20. Claim 20 has been cancelled without prejudice. To place the claims in better condition for allowance or appeal, the independent claims have also been clarified to confirm that the molten part of the claimed process does not include complete melting like the Moryama reference. This amendment is supported by the specification, e.g., page 7, line 22. No new matter has been added by the claim amendments.

Claim 15 stands rejected on the grounds of non-statutory obviousness-type double patenting. In response, applicant is concurrently filing a Terminal Disclaimer, which renders moot the double patenting rejection.

Claims 15, 17-19, 21-23 and 28-31 stand rejected under 35 U.S.C. 103(a) as allegedly being obvious over Moryama in view of Chen. Applicants respectfully traverse the rejection.

As noted previously, Chen merely concerns the use of a powder being applied in a dry form. Thus, Chen does not disclose or suggest the claimed invention that requires the heating of a first material to a temperature enabling the first material to flow, but not completely melted. In this regard, Moryama requires that the material be completely melted – i.e., it is not in molten form as required the claimed invention. See Moryama's specific teachings on page 5, lines 26-31:

the resin in backing material 3 was melted and mixed, the resin mixture was granulated using a cooler mixer to give resin granules. Finally, the granulated resin material was extruded ... Especially, the temperature

used in the melt-extruding process was below the melting point of the carpet material but **above the melting point of the backing material and the melting point of the resin added.**

Thus, neither Moryama nor Chen teach or suggest the claimed molten part of the claimed process.

Moreover, neither Moryama nor Chen teach or appreciate the claimed “reducing the first material to a predetermined size in a range of 50-100 to 95-325,” which is critical to avoid foaming problems in the claimed process. See, e.g., page 6, lines 4-7.

Further, neither Moryama nor Chen teach or appreciate the claimed feature of “adding the first material to a second material to provide a composite material useful in the manufacture of the new carpet, including processing the composite material into molten form having a viscosity in a range of 10,000-30,000 CPS.”

For at least the foregoing reasons, applicant submits that the cited references do not render obvious the claimed invention.

In view of the foregoing amendments and remarks, and the concurrently filed Terminal Disclaimer, applicant submits that this application is in condition for allowance. A notice to that effect is earnestly solicited.

If the examiner has any questions concerning this case or suggestions to move this case forward, the undersigned may be contacted at 703-816-4009.

BELL
Appl. No. 10/827,417
June 14, 2007

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____



Duane M. Byers
Reg. No. 33,363

DMB:lfo
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100